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LETTERS

OF

JOHN MINOR [✓]BOTTS, OF VIRGINIA,
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ON

25.10.
1853

THE NEBRASKA QUESTION.

WASHINGTON:

JOHN T. AND LEM. TOWERS, PRINTERS.

1853.

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Encl
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MR. BOTTS' LETTERS.

To the Editors of the National Intelligencer:

It is my misfortune once again to find myself in a situation which obliges me to take part against many of my best personal and political friends, and upon a subject, and under circumstances that, feeling and believing as I do, it would be criminal on my part to be silent; and, however much I may regret the occasion and the necessity, I must appeal to you, as national men, and conductors of a truly national paper, to allow me the privilege of addressing a few reflections to the people of the South through your columns on a subject of the gravest consequence to their interests. I mean the Nebraska bill, now pending before the Senate, which, from all we can now see, is likely to become a law without a word against it from the South, and by which it is proposed to repeal or declare inoperative the Missouri Compromise of thirty-four years' standing and acquiescence in by all parts and parties of the country.

It is true I have little now to do with politics, and I am not in "*position*" to give influence and currency to what I may say. I have no Congressional seat from which I can speak "*by authority*," but my interest in the settlement of this question as a citizen, and my regard for the welfare of the country is none the less on that account.

After the most careful examination of this portentous question, I am satisfied that it is the most mischievous and pernicious measure that has ever been introduced into the halls of Congress.

With the institution of Slavery acknowledgedly in a sounder and better condition than it has ever been; with the public mind calmly subsiding and daily acquiescing in the peaceful and healing measures of 1850; in the absence of any public necessity or demand from any part or section of the country; with an application from no human being outside of the political circles in Washington; without the question ever having been presented to the consideration of the people, who are the only proper parties to be consulted; with solemn pledges from both parties and both sections to resist all future efforts at agitation, it is proposed to throw wide open the whole question of Slavery, to unsettle all that has been done to produce harmony between the North and the South for the last thirty years, by those who were quite as wise and patriotic as the men of the present day, and to revive sectional animosities and feuds in the most aggravated and embittered form, the end whereof no man can foresee. Is it not legitimate then for any citizen, however humble, feeling an interest in his country's welfare, to ask emphatically *why* is this to be done?

Is this last and hopeless chance for reconstructing the disordered and scattered fragments of a divided party with any intelligent mind held to be a sufficient reason for so much mischief? Are the grasping and reckless aspirations of ambitious men, who seek their own advancement by a spirit of turbulence and discord throughout the land, a sufficient justification for the wholesale scenes of riot and disorder that is to follow?

If the Compromise which has stood the test of one-third of a century is no longer available or operative, how long can the Compromise of three years' duration be expected to last? And can it be possible that all the wisdom and patriotism that marked the struggles of 1820 and of 1850 are, within one short year after the decease of the illustrious men who then hushed the storm into silence and tranquilized the nation, to be forgotten and laid aside, without necessity, without notice, without cause, and without one justifying or palliating circumstance?

As a Southern man, I raise my voice against it. I oppose it because it involves a breach of faith on the part of the South, who have for thirty odd years enjoyed the advantages obtained by them in the formation of the States of Missouri and Arkansas. *I oppose it*, because it necessarily and unavoidably begets another angry sectional controversy, which there are none left among us strong enough in the confidence of the people to allay. *I oppose it*, because it uproots and destroys the Compromise measures of 1850, to which the North is no more pledged than the South to the Compromise now proposed to be abrogated. *I oppose it*, because it would be an act of infatuated madness on the part of the South to accept it. *I oppose it*, because it will be impossible ever again to obtain as favorable terms from the North, with their seven millions majority of white population, as we obtained when that population more nearly approximated equality. *I oppose it*, upon the ground that it places a barren privilege in the hands of the South, for which not only no equivalent is offered, but by which she must be an ultimate and great loser. *I oppose it*, because I do not like the source from which it comes, nor the power by which it is supported. "*Timeo Danaos et dona ferentes*." It is proposed by a Northern aspirant to the Presidency, and is supported by a Northern Administration, surrounded by the enemies of peace, harmony, and Union, whose free-soil proclivities have been manifested from the first moment they set their feet upon the footstool of power. *I oppose it*, because I see Tammany Hall, free-soil, and adamantine political associations and committees uniting in its support.

What can the South gain by opening the Territory of Nebraska to Slavery, when by the same act she opens the territory south of Nebraska to the Free States of the Union, and invites them to come in? Let us look at it calmly and practically. What consideration or inducement can be offered to the slaveholder of the South to carry his slave property into that Territory, where neither the climate nor the productions of the soil are adapted to slave labor, and where it would always be both unprofitable and insecure, while such vast tracts of uncultivated lands in the finest cotton, sugar, and tobacco regions of the world lie open before him in the States of Texas, Arkansas, Missouri, Alabama, &c., where the productions of labor are more profitable, where the climate is more congenial, and the property better protected, and where the lands can be obtained on as favorable terms as in Nebraska? Nebraska and Kansas will both then remain free territory, and ultimately come in as Free States. What do these Northern gentlemen, Mr. DODGLES, Mr. PIERCE, and their associates, ask in return for this unavailable boon to the South? Why, that the North may be equally free to settle territory south of 36 deg. 30 min. with their free population, to be afterwards held as free territory, and to be ultimately admitted as Free States. Now, let us see what would be the prospects and advantages of each, all old lines and divisions between the Free and the Slave States being broken down.

The first question is, which has the largest surplus population to send abroad? The answer is, the North has 13,310,302 whites, the South 6,113,213 whites, which leaves the North with a majority of 7,196,289, to say nothing of the free foreign population from every quarter of the globe seeking a settlement and a home in all newly settled Territories.

The next question is, by which section of the country could this Territory be filled up with the greatest facility? The slaveholder of the South is generally a landed proprietor, on a larger or smaller scale; he would necessarily require time to sell out his lands, stock, and chattles, while the free laborer of the North packs his carpet-bag at night, buckles his belt around his body in the morning, and is off at the first whistle of the locomotive. Thus will they settle the Territory (wherever inducements are offered for settlement) and declare it free, while the Southern planter is getting ready to start; and thus will the Indian territory, lying between the States of Missouri and Texas, south of 36 deg. 30 min., now secured to the South, become a free territory, and ultimately a free State; while by the adjustment of 1820, (or Missouri Compromise,) her admission as a Slave State is already provided for without resistance, if the people composing the State so desire it. Break up this compromise, and you invite resistance to the further admission of Slave States anywhere south of 36 deg. 30 min., as well as north of that line. And let it not be forgotten that we *now* have acquired every inch of territory that can be obtained north of 36 deg. 30

min., unless Canada should at some far distant day be annexed to us, (when and where the introduction of slavery would never be attempted,) while every two years the South will continue to acquire more and more of the Mexican territory, until we shall, in all probability, absorb the whole—every foot of which will, under the Missouri Compromise, come in as Slave States without resistance or opposition, unless the people of those States should otherwise determine. There is Cuba, too, to which our people have turned an anxious, longing eye. If we acquire that, and the Missouri Compromise is broken down, how can it obtain admission into the Union as a Slave State, with the power so unequally distributed between the Free and Slave States? The North may not attempt to destroy or disturb slavery in Cuba; she may permit us to hold it as a slave Territory without opposition; but the question is, would she vote for its admission as a Slave State, with its full representation in the two branches of Congress, and giving it its potential voice in presidential contests?

But, again: By a joint resolution of Congress admitting Texas into the Union, the South has already secured to it the advantage of four States, entitled to admission at a future day as Slave States. Break down this Compromise of 1820, and the Compromise of 1850 will follow it; and what, then, becomes of this joint resolution, which was (not the result of compromise between the North and South, but the result of party strength and brute force,) in violation of every principle of the Constitution, both in its letter and spirit, and therefore more liable to repeal—what, I say, becomes of *this* feature of that resolution? The natural desire for power on the part of the North, and the excitement of the moment will set its ingenuity to work to seek some counterbalancing measure of retaliation; and how long would it be before we should have a proposition to repeal that portion of the joint resolution? Would any Northern man be at liberty to vote against it if it should be proposed? Could any Southern man consistently oppose it? The Missouri Compromise is to be repealed on the ground that Congress had no right to legislate at all on the subject of slavery; and if the Congress of 1854 has no right to legislate on that subject, how can we hereafter show that the Congress of 1845 had the right to legislate for its future recognition in those States to be formed out of Texas? If Congress cannot legislate at all on this question of slavery north of 36 deg. 30 min., how could the Congress of 1845 constitutionally legislate for it south of this line? And are we of the South prepared to surrender this right, now secured, by such a declaration as is proposed by Mr. Douglas? If all prohibitions are to be broken down on one side, does it not necessarily follow that all legislative privileges must be broken down on the other?

Again: If the Missouri Compromise is to be repealed on the ground that Congress has no constitutional power to legislate on the subject of slavery for the Territories, why does not Mr.

Douglas propose to amend the two Territorial bills of Utah and New Mexico, by which Congress *did* legislate on slavery, by making it obligatory on a future Congress to admit them as States, with or without slavery, as they might themselves determine, thus forcing the admission of Slave States on the North in one event, and Free States on the South in the other? Those two bills, then, are also unconstitutional; so likewise (if I understand correctly) are the provisions of the Nebraska and Kansas bills, for the same reason. The Oregon Territorial bill must also be modified or repealed, because that bill contained legislative provisions on slavery, by excluding it entirely from the Territory.

But this is not all. The chairman of the Committee on Territories, it is certain, has not been holding converse with the spirits of the dead; he has consulted none of the departed patriots and sages to whom we are indebted for our great birth-right of freedom; for he rejects their teachings and spurns their wisdom. Let me tell him he will have to go still further back than 1820 to correct the legislation of his predecessors; he must go back to the days of George Washington, and he will find that on the 7th day of August, 1789, the first Congress that met under the Constitution passed an act by which the power of Congress to legislate on the subject of slavery in the Territories was distinctly recognised and broadly asserted. The preamble to that law reads thus:

"Whereas, The ordinance of the United States in Congress assembled for the government of the Territory northwest of the Ohio river may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States—

"Be it enacted," &c.

This act must also be repealed, and the judgment of this enlightened age pronounced on the unconstitutional legislation sanctioned by Gen. Washington, Mr. Jefferson, Mr. Madison, Mr. Monroe, Gen. Jackson, and Mr. Polk—all southern Presidents, each one of whom, in turn, recognised the power of Congress to legislate on this subject for the Territories.

I believe the only part of the Northwestern Territory that remains in a territorial condition is Minnesota, and in that bill Congress also legislated on slavery; that bill, then, should also be repealed. Does the honorable gentleman, (Mr. Douglas,) and do his associates in the Senate, fail to perceive how, by the shining of new lights, all things are made dark? Do they fail to perceive that what they now propose unhinges and unsettles the legislation of the country for sixty-five years?

It is not the least strange chapter in this history that those who now denounce the unconstitutionality of the Missouri Compromise should all have waited until its most prominent advocate had retired from their midst and descended to the tomb, before they could find the valor to assail his work; it is a libel upon his memory that from prudential considerations they did not see fit to utter during his life; but, although he

was killed by the unkindness of friends he most relied on, he has left those behind him who will be prompt to protect his fame; for although he was not the author or originator of the compromise line of 36 deg. 30 min. in 1820, yet he not only voted for it, but, by his untiring efforts in 1821, he secured the passage of the resolution under which *alone* Missouri was ultimately admitted, but by which that line was definitely and finally settled.

By almost superhuman efforts, such as went far to carry the most distinguished man of the age to his grave, we have just extinguished a conflagration that threatened the destruction of the noblest ship of State that was ever launched upon the waters; and we have scarcely had time to realize the result, and exchange congratulations on our safety, when one, more rash and wild and frantic than the rest, seizes a blazing torch in each hand, rushes madly into the magazine of powder, flourishes his firebrands aloft, and, bidding defiance to all consequences, calls upon us to imitate his example. Those may follow him who choose; but, for my own part, on all such occasions, I prefer the hose to the flambeau. I beg the South to listen and reflect while the opportunity is offered.

I know that the champions of slavery in the South have made every concession to free-soilism since it came in conflict with Mr. Pierce and the spoils. I know they have expressed, in private, sympathy with those of the North who are battling with Executive power in favor of a great constitutional Southern right; but I know also that, before *the public*, they have everywhere, and on every trial, repudiated their natural allies, and lent them neither "aid" nor "comfort." But let them not venture to sacrifice the sacred and solemnly secured rights of the South to promote the ambitious designs of selfish aspirants to power, nor yet with the vain hope of building up the fallen fortunes of their party.

This measure of repeal is defended by some on the ground that the Missouri Compromise was unconstitutional, because it excluded slavery in terms from the Territory "*forever*," and thereby undertook to restrict the States that might be formed out of that Territory hereafter. I submit that those gentlemen who take this ground, and make it a pretext for the repeal, are rather late in making the discovery, especially those who were active participants in the scenes of that day, and who did not then, and have not since, until now, raised a voice against it. But I further respectfully submit that the word "*forever*" is susceptible of no such interpretation. To suppose that it was intended to apply to the Territory after it should have been formed into States and passed from the authority and control of Congress, would not only prove it to be unconstitutional, but absurd, and the authors of it as little less than idiots. Suppose the Union should at any time hereafter (under such thoughtless legislation as is now proposed) be divided, does any man in his senses suppose that the authors of the Missouri Compromise intended to apply its provisions to the Territory in that condition, when their power should cease? Or,

suppose it became a conquered territory, how could Congress then exercise jurisdiction over it? Yet it might do so, in either case, with as much propriety as after it became an independent State. What, then, is the true construction to be given to this word "*forever*?" Why surely that limited and only sensible meaning that would attach to it, or could have been intended by the authors of the Compromise, to wit, that slavery shall be prohibited "*forever*" while they, Congress, had any power over it in its territorial capacity; or, in other words, Congress guaranteed for itself and its successors that they would never attempt to legislate slavery into the Territory. For illustration, it is to be interpreted in the sense in which it is used in every deed: A B conveys to C D a certain tract or parcel of land, to have and to hold to him, his heirs and assigns, "*forever*." This does not oblige C D to hold "*forever*," but simply transfers the title of A B "*forever*." So Congress in this case renounces "*forever*" all claim to establish slavery north of 36 deg. 30 min. Give it this natural, reasonable, common sense interpretation, and the argument against its constitutionality vanishes into thin air. Yet it may be said that the Congress of 1820 had no right to legislate for its successors. Strictly speaking, this is certainly true, but the same argument would apply to all compromises, and to every act of ordinary legislation.

As a Southern man and as a national man, I should like to see this misshapen and ill-begetten monster killed. I should rejoice to see this Pandora's box of evils forever buried, and I would resort to any fair and legitimate means to accomplish so desirable an end; and as I stand in the presence of my Maker, I will do what I can to defeat it; and would say to my friends of the South particularly, and to the people of the country everywhere, that their cry should be, let the demon of discord be strangled in its birth! Let it have no resting place for its disturbed repose! Let it be hooted, scouted, and driven from door to door like a worthless, penniless, beggarly thief! Let no man give it a shelter from the pitiless storm! Let it die and rot upon the dunghill! Let every lover of his country, and of its peace and harmony, and good will and honor, and good faith and durability, turn from it with loathsome and shuddering disgust as they avoid a pestilence or plague! Let him treat it as a disturber of his country's peace, honor, welfare, and perpetuity!

Standing in the position that I do, asking nothing, seeking nothing beyond the hope of arresting a flood of mischief to the country, and ready to encounter any and all personal sacrifices to accomplish such an end, and as the best means of baffling the schemes and design of those who thus rush in where "angels fear to tread," I suggest that we should have no more patchwork legislation, which require still further agitation when this is settled; but let it all come at once, or let it all fall together. For the honor of the South, to preserve her integrity and good faith, I would hope that some Southern member would

offer an amendment to the bill, as an additional clause, to the following effect:

Be it farther enacted, That so much of the joint resolution of Congress as was passed on the 1st day of March, 1845, admitting Texas into the Union, as provides for the admission of four additional slave States hereafter, with the consent of that State, to be formed out of the territory of Texas lying south of 36 deg. 30 min., be and the same is hereby repealed.

To this complexion it must come at last, and the sooner the better, if the Missouri Compromise is now to be disturbed. No Northern man, I presume, would vote against the amendment, and with that provision in the bill I think its defeat would be certain.

And then the question presented is this, shall the flood-gates of wild fanaticism and ferocious sectional antagonism be thrown wide open, or shall they be kept as they now are, closed against all agitators, mischief-makers, and Presidential combinations?

The country is tired of turmoil; it seeks repose and safety. Let us, then, all agree to let "well enough alone;" or, if the present satisfactory and peaceful relations of the different sections of the country are to be disturbed, let the settlement, whatever it may be, embrace every question of sectional controversy, and leave nothing behind upon which candidates for office can build up their fortune at any future election.

I am, respectfully, yours,

JOHN M. BOTTS.

HENRICO, VA., February 11, 1854.

[For the Richmond Mail.]

Letter from Mr. Botts in Defence of his Position on the Nebraska bill.

MESSRS. EDITORS:—The channels of misrepresentation are so numerous, the instruments so abundant, and the facilities open to me in this city for correction, so limited, that I must ask the privilege of your columns for the following remarks:

A short time since, laboring under a solemn conviction which has been more and more confirmed by subsequent reflection, that the proposed repeal of the Missouri Compromise would lead to the most disastrous results, especially to the Southern portion of the Union, by breaking up all compromises and party lines, and reducing the settlement of all future questions that might arise, as well on slavery as all others, to the test of sectional strength, with a majority of seven millions white population against us; and that the faith of the South was pledged to adhere to the bargain it had made, not only in 1820, but in 1852, when every congressional district of the United States had been represented in two national conventions, in each of which the demand was made, by the unanimous voice of the South, that the North should unite with us "in regarding the settlement of 1850 as *final*, and that all attempts at renewing the agitation of slavery should be discountenanced, *wherever*,

whenever, and however it might be made; whether in or out of Congress, and under whatever shape or color it might be attempted; and that this sentiment would be held essential to the NATIONALITY OF PARTIES and the INTEGRITY OF THE UNION;"* and holding this pledge as sacred and inviolable, I addressed a temperate, and I hope a dignified argument, to the people of the South through the National Intelligencer, calling their attention to the incalculable mischief that would result from the violation of and departure from those pledges—for which I have been assailed in the most rude and violent and ferocious manner, as if I had committed a criminal offence, which merited the condemnation of every upright man.

I have been stigmatised as "a traitor to the South," as indulging in "demagogueism" and "blackguardism," as manifesting "excessive impudence and contempt of truth," as being "false to every principle," as having "never been true to any obligation," as "a reckless adventurer speculating in party, and trafficking with principles," as a "tradition and not a living reality," and with whatever else the wit, and ingenuity, and refined taste of the editor of the Enquirer could apply to me.

It will be seen by a correspondence published in the columns of that paper this morning, that the author of the above mentioned tirade has disclaimed all intention to assail my personal honor and integrity, but thinks my public course, especially in opposing the Nebraska bill, with its violations of all pledges, *squatter sovereignty* and *all*, which was so indignantly repudiated, but a short time since, by that editor and his party, justified the severity of criticism in which he had indulged—a sample of which I have quoted above. The *personal* matter having been satisfactorily settled between Mr. Botts and Mr. Pryor privately, I have nothing to say to Mr. Pryor of a personal nature—and I therefore treat him, as he treated me, (though not so coarsely) in his *public character* as conductor of a public print. My public character is known to the country, and I hope, somewhat more highly appreciated by the public than it is by the editor in question. His has yet to be formed and established. Certain it is, there is great room for improvement as far as it has been developed—and I hope he will not neglect the opportunity in his youth.

I have lived to little purpose for fifty odd years, if such terms as he has seen fit to apply to me can affect me in public esteem—even as a public man, or impair the force of an argument, which any orator or writer from the Five Points, could rudely *assail*, while perhaps there was not one portion of it that he could *answer*.

When I ventured to lay my views on this all important question before the country, I was not aware that what the editor of the Enquirer, with his youth, inexperience, and want of knowledge had made his daily task, could be construed into "vanity," "arrogance," "pre-

sumption," and "impudence" on my part, while I am free to acknowledge that if I had known as little of the subject as the editor himself, and was as regardless of the plighted faith of the South, I would readily plead guilty to every accusation he has made against me.

I can the more readily, however, excuse the ignorance of the editor, because I am not prepared to say, that at his age, I knew *much more* about public matters than he, or was much better qualified to frame and lead the public mind than he is now. But one thing is certain, that I was willing to learn, and never had the bad taste to assail a gentleman in coarse and indecent language for his efforts to enlighten my understanding.

Having said this much, I dismiss the editor, with whom I have neither the time, the taste, nor inclination to bandy epithets, either in a Pickwickian or other sense, with the suggestion, that if my letter convicts me of treason to the South, it would be more becoming, and far more convincing, to *prove* it to the South, by publishing the letter itself, which good policy, a sense of justice, and fair dealing, as it seems to me, alike demand. His readers might like to have the opportunity of judging for themselves, whether he or I best understand what course it becomes their honor and their interests to pursue; and as I do not want to ask favors, I will pay, at advertising prices, for the publication of that letter and of this in the columns of the Enquirer, and thus become the publisher of my own shame, if they convict me of want of loyalty to the South. So much for the editor and his editorial.

I am not done with the Nebraska bill, however. When I go to a fire, it is to help to extinguish the destructive element—and so, when I present myself before the public, it is to endeavor to arrest an evil. Any body can float upon a popular current, and there are few public men who do not delight in the exercise, and it would be more agreeable to me than to resist it. But it requires a strong will, a high degree of patriotism, a steady nerve, and moral courage, and a self-sacrificing spirit, to throw one's self against it, to breast the storm of prejudice or error; to bare one's bosom to the shafts of calumny and misrepresentation, and make himself a target for his enemies, that he may protect his friends. It is not the first time that I have been condemned for rashness, nor will this be the first time that the people will awake to the truth of what I have told them.

In due time I will fortify every point I have made. I will show by the record, that the Missouri Compromise was a limitation or restriction on slavery to the line of 36 deg. 30 min. imposed by the South upon itself as the price of peace and union; that out of twenty-four Senators that voted for it, twenty were from the South, and four only from the North, while only two southern Senators, with eighteen northern Senators, voted against it; and that in the House, out of seventy-seven southern Representatives, only thirty-seven voted against it. I will show that the South, up to January, 1854, have pertinaciously

* The Whig and Democratic resolutions are embodied in one.

ciously insisted on maintaining that line, and extending it to our western border; that every Southern Senator—Atchinson, Badger, Bell, Berrien, Borland, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hunter, Johnson of Maryland, Johnson of Georgia, Johnson of Louisiana, Lewis, Mangum, Mason, Metcalf, Pearce, Rusk, Sebastian, Turney, Underwood, Westcott, and Yulee—not only voted for, but struggled to carry out that (*now unconstitutional*) line as late as 1848. I will show that the Compromise of 1850 did not repeal or “RENDER INOPERATIVE” the Compromise of 1820, and that no man understood it so. I will show that the *people* ratified it in 1852, and I will show that Mr. Douglas, in the early part of the PRESENT SESSION of Congress, reported from the same committee that brings in this Nebraska bill, that the Compromise of 1850 did not touch the Compromise of 1820, and also reported against a departure from the compromise line of 36 deg. 30 min. now.

I will show that while there must of necessity be both Slave and Free States as long as the Union lasts, that is better to have a straight line, with all the Slave States on one side, and the Free States on the other, than to have a crooked line with the Free and the Slave States intermixed, especially when that straight line has been recognised by and familiarized to the whole country for thirty odd years. I will show that the South is contending for an abstraction, that if it did them no harm, can do them no good, and is not worth the peace it has already disturbed; and I will show that there is neither necessity nor propriety in organizing a Territorial government for Nebraska, which, with about 31,500,000 acres, is inhabited exclusively by about thirty tribes of Indians; and I will show by public documents, that in the month of October last, there were but three white men settled in all Nebraska, except some few who had intermarried with the Indians; and I will further show, upon the authority of the President of the Senate, that by our treaty stipulations not one foot of Nebraska is open for settlement by the white man; and all this will serve to show that there are other and concealed objects at the foundation of this movement.

The South professes to despise Mr. Seward as its worst enemy. I tell the South, that every man who helps to destroy the Compromise of 1820, is unwittingly engaged in the service of Mr. Seward. He is uniting the North as one man on a sectional issue in which their pride and principle is as much involved as ours, and which will throw them all into the ranks of Mr. Seward. You will have no more national whiggery; no more national democracy; no more “hard shells,” nor hunkers, nor adamantines. You make them all freesoilers, soft shells, and barnburners; and he who cannot see this—he who cannot see the dark spirit of disunion lurking around this bill—is not, in my judgment, a far-sighted man. In my opinion, no sectional strife we have ever had will begin to compare with it, either in intensity or duration.

I call no man traitor to the South. I believe

the South has no traitors within her borders, who are Southern born. But there is a popular delusion and a popular error, which will be seen and felt whenever this Nebraska bill shall become a law. The misfortune is, that the Southern press is all committed and closed against argument and reason on this question.

An open field, a free press, and fair discussion, is all I would ask to encounter any opposition, and answer every argument that has been or can be made in vindication of the pending measure.

Respectfully,

JNO. M. BOTTS.

HENRICO COUNTY, Va., Feb. 24, 1854.

[For the National Intelligencer.]

Another Letter from Mr. Botts.

Messrs. GALES & SEATON:—Finding myself differing so widely from most of my friends, embracing, as we are told, every Whig Senator of the South, I have been brought to pause upon the position I have taken, and to examine, with the best judgment I can command, the grounds I have assumed, with a determination that, if I was convinced I was wrong, no pride of opinion or consistency should restrain me from making a candid acknowledgment of my error, which I take to be the rarest evidence of moral courage that a public man can exhibit. But reflection has only served to rivet my convictions; and the more I examine the subject the more am I confirmed in the belief that the good faith, as well as the interests of the South and the quiet and peace of the country, requires that the Compromise of 1820 should remain undisturbed, and I think I can fortify every position I took in my former letter, published in your paper of the 16th instant.

The misfortune is that so large a portion of the Southern press have followed the lead of Southern Senators, that little opportunity is furnished for a free discussion of the question, as the columns of nearly all the Southern papers are closed against the views of those who are opposed to disturbing the Compromise.

What is the nature of the Missouri Compromise? At the time of its adoption a bitter sectional feeling sprung up between the North and the South in relation to the admission of Missouri as a State, the North insisting that slavery should be prohibited, and the South contending for its admission, with the right to hold slaves recognised in their constitution. At that time the House of Representatives was composed of one hundred and eighty-two members, of which one hundred and five were from the Free States, and seventy-seven from the Slave States; making a majority of twenty-seven on the part of the North. The contest between the two rival sections was so protracted, and determined, and angry, that a dissolution of the Union seemed almost inevitable, and every patriotic heart throbbled with apprehension for the result. Mr. Jefferson, in a letter dated February 7th, 1820, which was read by a member of the House in his place, said:

"I thank you for your information on the progress and prospects of the Missouri question. It is the most portentous one which ever yet threatened our Union. In the gloomiest moment of the revolutionary war I never had any apprehensions equal to that I feel from this source."

This was the condition of the public mind everywhere. The North had the numerical strength, and seemed determined to exercise the power of restricting the extension of slavery, and of opposing the admission of any more Slave States, when, on the 6th of March, it was finally agreed that the North should surrender their claim to the restriction of slavery in the *State*, and that Missouri should be admitted as a Slave State, on condition that slavery should thereafter be limited to the line of 36 deg. 30 min. north latitude in all the territory then belonging to the United States west of the Mississippi. It was a limitation or restriction that the South agreed to impose upon itself that it would never ask to carry slavery beyond that line, it being of course understood that all the territory south of that line was open to slavery, out of which Slave States might be formed. This bill was carried in the Senate by a vote of 24 yeas to 20 noes. Among the 24 affirmative votes were Barbour and Pleasants, of Virginia, Brown and Johnson, of Louisiana, Eaton and Williams, of Tennessee, Elliott and Walker, of Georgia, Galliard, of South Carolina, Johnson and Logan, of Kentucky, Lloyd and Pinckney, of Maryland, King, (the late Wm. R.), and Walker, of Alabama, Leake and Williams, of Mississippi, Van Dyke and Horser, of Delaware, and Stokes, of North Carolina, making 20 Southern Senators and 4 from the North. Mr. Macon, of North Carolina, and Mr. Smith, of South Carolina, were the only two Southern Senators who voted against that bill, while only four Northern Senators voted for it, and eighteen against it; and when it went to the House of Representatives it passed that body by a vote of 134 to 42—40 Southern Representatives voting for it and 37 against it. Thus was the Compromise of 1820 brought about. And the history of that day will show that it was not only regarded as a Southern measure, but a great triumph for the South, the most distinguished men of the South being its chief advocates, including Mr. Lowndes, of South Carolina, and Mr. Pinckney, Mr. Wm. Smith, Mr. Louis McLane, and others. But when the constitution of Missouri was formed as authorized by that act, and asked for admission as a State, it was resisted by the North, but not on the ground of *slavery*, but because of a feature in the constitution which related to the exclusion of free negroes, who were in most of the Free States regarded as citizens of the United States. This led to another fierce struggle, which was ultimately settled by a joint resolution of Congress, in substance making it obligatory on the Legislature not to pass any law inconsistent with the Constitution of the United States, which, as has been justly observed, Mr. Clay always laughed at as serving to show how easily the North was satisfied at last.

From that day down to the month of January,

1854, that Compromise, now so much derided in the South, and for upholding which we are stigmatized as traitors to the South, and which, as I have shown, was carried by Southern votes, was held to carry with it a moral force and obligation, almost, if not quite, as sacred as the Constitution itself. Matters rested in this way until the year 1845, when the Texas question was before Congress. Numberless resolutions and propositions were before the House. Among them was one offered by Mr. Brown, of Tennessee, which proposed to extend the Missouri Compromise line of 36 deg. 30 min. to the *State* of Texas, in the following words:

"And such States as may be formed out of that portion of said territory lying south of 36 deg. 30 min. north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may decide."

Mr. Douglas (the present chairman of the Committee on Territories in the Senate) asked the gentleman from Tennessee, to accept the following as a modification of his amendment, to come in after the last clause:

"And in such States as shall be formed out of said territory north of said Missouri Compromise line slavery or involuntary servitude, except for crime, shall be prohibited."

Mr. Brown accepted the modification.

The question being taken (in Committee of the Whole) on Mr. Brown's resolution as modified, it was passed.

The committee rose and reported the resolution to the House, where it was adopted: yeas 120, noes 98—every Southern Democrat in the House voting for it. The Whigs generally voted against the entire resolution, being opposed to annexation on any terms by joint resolution. Thus was the Missouri Compromise line, after the lapse of twenty-five years, again adopted by the South, and by the motion of Mr. Douglas made to apply not only to the *Territories*, but to the *States* north of 36 deg. 30 min.

At a subsequent period—to wit, in 1818—after we had settled the Oregon difficulty, and acquired other possessions on the Pacific, (California,) the South made repeated efforts to extend this line of 36 deg. 30 min. to our extreme western limits, as constituting the barrier between the Free and the Slave States. The question thus voted for in the Senate is in the following words:

"That the line of 36 deg. 30 min. of north latitude, known as the Missouri Compromise line, as defined by the eighth section of an act entitled 'an act,' &c., approved March 6, 1820, be and the same is hereby declared to extend to the Pacific ocean; and the said eighth section, together with the compromise therein effected, is hereby revived and declared to be in full force and binding for the further organization of the Territories of the United States, in the same sense and with the same understanding with which it was originally adopted."

The vote stood, in the affirmative: *Atchison, Badger, Bell, Berrien, Benton, Borland, Bright,*

Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Douglas, Downs, Fitzgerald, Foot, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, Johnson of Louisiana, King, Lewis, Mangum, Mason, Metcalf, Pearce, Sebastian, Spruance, Sturgeon, Turney, and Underwood; every Southern Senator present voting for it. It was passed and sent to the House, where it was stricken out, every Southern member voting to retain it, and the North substituting the Wilmot proviso in lieu of it.

So likewise in 1850 every effort was made by the South to extend the line of 36 deg. 30 min. to the Pacific. The North refused it. Why did the South desire to exclude slavery north of that line, but that by the restriction upon it up to that line it was, by the Compromise of 1820, secured to the territory south of that line? And why did the North resist the extension of slavery north of 36 deg. 30 min., but that it secured slavery to all territory south of that line? And it is but a poor excuse for the position now assumed by Southern Representatives, for declaring inoperative the compact of 1820, that Northern gentlemen refused to extend the line *beyond* the territory to which it in terms applied at the time of its adoption.

But, coming down to a later period still, what has been the action of the South that binds them in honor and good faith promptly to reject the proposition now pending? In 1852, the Democratic party of every Congressional district in the United States was represented in a National Convention in Baltimore. What was the demand then made by the South and adopted or acquiesced in by the North? Let me refresh the recollections of the forgetful. One of the resolutions then adopted reads thus:

"Resolved, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

Was this a pledge of faith and honor to each other between the Democracy of the South and the Democracy of the North? Are Southern Democratic Representatives now found resisting the agitation of this question, either in Congress or out of it? It is not enough to say that it is presented by the North; for, in the first place, the North has not presented it. Mr. Douglas is not the North; and it is known that no one Northern State is in favor of it. Why is Mr. Douglas any more the North than Mr. Everett, Mr. Seward, Mr. Fish, Mr. Sumner, or Mr. Chase? He does not represent as large a constituency as either of them, and, from the indications lately furnished from public meetings in his own State, he cannot be supposed to represent the views of his own constituents. If *one* has a right to agitate, so has every other; but no matter by whom, or from what quarter, or in what shape or color it is presented, the Democracy of the nation stands pledged to resist it. Are they now maintaining their plighted faith and honor by the countenance they are giving to the agitation in Congress and throughout the country? This, however, is not so much a matter of surprise. But where stands the Whig party; that great conservative,

national, Union party? What has become of its pledges and its faith?

Within a few weeks after the action of the Democratic Convention just referred to, another National Convention was held, in which the Whigs of every Congressional district in the Union were fully represented. What did they do? Need they be reminded that before the Whigs of the South would consent to co-operate with their fellow-Whigs of the North in making a Presidential nomination they drew up a platform, the acceptance of which they imperatively demanded of the North, and which was voted for by every Southern member of the body? And need they be reminded that in that platform is to be found the following declaration?

"The series of acts of the 31st Congress, commonly known as the compromise or adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States as a *final settlement*, in principle and substance, of the subjects to which they relate; and, so far as these acts are concerned, we will maintain them and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other, not impairing their present efficiency to carry out the requirements of the Constitution; and we deprecate all further agitation of the questions thus settled as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation (agitation of what?) whenever, wherever, or however made; and we will maintain this settlement as essential to the nationality of the Whig party and the integrity of the Union."

And now we see the whole question of slavery thrown open, in Congress and out of it, and gentlemen who were in that Convention, not only voting for that resolution, but requiring and demanding a similar vote from the North, are stigmatizing those who do not aid in the agitation as being unfaithful to party obligations and Southern interests. Upon this point I am unwilling to give utterance to what I think and feel. The nationality of the Whig party is overthrown, and the integrity of the Union is surrendered. As a member of that Convention I voted for that resolution, and before high Heaven I will stand by it and maintain it, if I stand alone; and I feel that my honor and truth might be called in question if I departed from it.

In the last Congress Mr. Sumner, of Massachusetts, (who was not a member of either Convention,) proposed a repeal of the fugitive slave law. He had come under no obligations, and was bound by no pledges. But has any body in Washington forgotten the feeling it excited in every breast at the effort to revive the agitation of the question of slavery? Let us suppose such a proposition had been made by any member who had been in either of the National Conventions, and voting for the resolutions above and demanding it of others, what would have then been said and thought?

But we are told that the Compromise of 1850

repealed in effect and rendered inoperative the Compromise of 1820. How and in what manner was this done? Surely it cannot be contended by any logical mind that the refusal of the North in 1850 to do more than had been agreed on in 1820 released either party from the obligation entered into in 1820. That the line of 36 deg. 30 min. had not been carried beyond the territory then held by the United States, to wit: the territory acquired from France in 1803, is manifest from the efforts then and repeatedly before made to extend it to the Pacific. But suppose the Territorial bill for Utah, which lies north of 36 deg. 30 min., and which provided for the admission of Utah as a Slave State, (if it should ask for admission on such terms,) was inconsistent with or in violation of the principle of the Missouri Compromise, the violation of a compact or law does not repeal the compact or the law, or render either inoperative, or null, or void. A great fundamental principle had been established in 1820 that the entire country had regarded for thirty years as a compact almost as binding as the Constitution itself. Can it be seriously contended by grave and sensible men that any subsequent inconsiderate legislation on a different subject (as Utah was from Nebraska) inconsistent with that great fundamental principle rendered the principle itself or the compact inoperative or void? Was it *designed* to repeal or render inoperative the law of 1820? Has there been found one solitary member of either body of Congress in 1850 who has said he understood, at the time he voted for or against those measures, that they were *intended* to repeal or disturb the Compromise of 1820? Not one, I believe, although the question has been frequently put in debate.

When was the discovery first made? A bill for organizing a Territorial Government for Nebraska was before the last Congress; no such idea was then presented; and even at the present session Mr. Douglas, as chairman of the same committee that presents the Nebraska bill now pending, made a report to the Senate in reference to this very Nebraska Territory, in which it is expressly declared that the Compromise of 1850 had not disturbed the Compromise of 1820, and that it was not expedient to do so now.—Here is the language of that report. Speaking of the right to introduce slavery into the Territories it says:

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. *As Congress deemed it prudent to refrain from deciding the matter in controversy then*, either by repealing or affirming the Mexican laws, or by an act declaratory of the true intention of the Constitution and the extent of protection afforded by it to slave property in the Territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, *either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.*"

Here, then, in the early part of the present session of Congress, in the opinion of Mr. Douglas and his Committee, the Compromise of 1850 not only did not repeal or render inoperative the Compromise of 1820, but Congress deemed it prudent then to refrain from deciding the matter in controversy, and the committee thought it would be unwise to recommend a departure from the course then pursued; and the country will now, as at that time they did, concur in this opinion. But now, forsooth! it is gravely, boldly, and audaciously asserted by that same committee that the acts of Compromise in 1850 did what the Congress of 1850 not only deemed it inexpedient to do, but actually refrained from doing, to wit: repealed or rendered the Compromise of 1820 inoperative, null, and void. Now, suppose by a strict construction this could be made to appear, I claim to avail myself of the testimony of Mr. Douglas and his five associates on that committee, each one of whom was in Congress in 1850, except Mr. Everett, (whose opinion, however, we have on this point,) to prove that there was no such purpose or design, and that it was an unintentional and inconsiderate act, and they did not so understand it at the time; for, when called on to testify in the month of January last, they all testified that Congress had refrained from doing what it is now testified Congress did do. I will not impeach the credibility of the witnesses, but I do impeach the validity of the testimony. It was not then understood to be an Administration measure, as it is now; and what *weighty* arguments, what soporific or stupefying influences may have been brought to operate this extraordinary change in the views of the committee I neither know nor care to know; but we have the right to demand of that committee, (they are our agents, not our masters,) we have the right to demand of them, when, where, how was this extraordinary change produced on their minds in reference to the acts of 1850.

Such is the difficulty and embarrassment surrounding those who vindicate this bill that the abilities of the soundest lawyer, and generally the most logical reasoner of the Southern Whigs in the Senate, (a gentleman for whom I have great esteem and regard,) are employed to show that it would be improper ("neither correct nor just") to "*repeal*" the Missouri compromise, and that the honorable chairman of the committee had hit the nail precisely on the head when he avoided the expression "*is repealed*," and substituted for it the words "*declared inoperative and void*;" and yet in the same sentence he proceeds to say that "*in the courts below that provision effects a repeal, and it is just as legitimate a mode of effecting a repeal of a law to declare it void as to say it is hereby repealed.*" If this is not tweedledee and tweedledum I do not know what is. The same honorable gentleman (and he will pardon me for the freedom of commenting on his speech, as it is the only one that I have seen in favor of the measure that presents a claim to an argument of the question) has taken infinite pains, in much the larger portion of his speech, to prove, what I have undertaken to show here, that the Missouri Compromise line

has always been a favorite line with the South; that we have pertinaciously adhered to it and sought to extend it; and that if he showed inconsistency on the part of Mr. Sumner and Mr. Chase, and others of the North, in refusing to extend it *beyond its former limits*, he much more clearly showed his own inconsistency and the inconsistency of the South in now endeavoring to get rid of it *within the limits* to which it was originally confined, when it is claimed by him and all the South, and not denied by any who have spoken from the North, that the Compromise *implicitly* admits slavery to all the territory south of 36 deg. 30 min.

These are the principal points made in the speech to which I refer, until it comes to the question of slavery as in institution. To all that part of it I yield my hearty acquiescence. It is the language of one who understands the subject; it is the language of one who is carried away by no wild fanaticism; of one whose brain has not been thrown off its balance and frenzied by the mischievous interference of Northern Abolitionists. He reasons with the North, with a calm, deliberate philosophy and statesmanship, on the peculiarity of our condition, and on a necessity which could not be avoided, even were it desirable; which is calculated to do much good in the North, and is in that respect so far different from the inflammatory declamations of the young "Hotspurs" of the South, that, for one, I take this occasion to thank him for the good taste and good sense it displays.

There is but one passage in that portion of the speech to which I would reply. He says: "I have no more idea of a slave population in either of them (Kansas and Nebraska) than I have of seeing it in Massachusetts; not a whit." Then let me ask Mr. Badger, "*cui bono?*" Why, for what purpose, does he propose to stir up the civil discord that by this time he must have seen must ensue? It is so unlike him and all his antecedents that I confess my amazement and regret at his present position. I pray that he may see the great mistake he has made, and that the generosity and magnanimity of his nature, and his love of peace and harmony, may yet prevail to change him from his purpose. When he says, "I would to God that they would be disposed to enfold me and mine, as I am the whole of my Northern brethren, if they would permit it, in the arms of a fraternal and perpetual concord." I know he spoke the sentiment warm from his heart; he felt it then, he feels it now, and has he not perceived that the disturbance of the compact of 1820 is not the way to accomplish his object? A wise man, a good man, and a great man will always take delight and pride in turning back when he finds himself in error. How many are there now in Congress who would turn back if they had the moral courage to do so after committal? But Mr. Badger gravely says:

"It is possible some gentlemen may go there and take a few domestic servants with them; and I would say that if these domestic servants were faithful and good ones, and the masters did not take them with them, the masters would

deserve the reprobation of all good men. Would you have me to take the servants who wait upon me, and live with me, and to whom I have as strong attachments as to any human being on earth, out of my own immediate blood relations, and, because I want to move to Kansas, put them in the slave market and sell them? Sir, I would suffer my right arm to be cut off before I would do it. Why, therefore, if some Southern gentleman wishes to take the nurse that takes charge of the little baby, or the old woman that nursed him in childhood, and whom he called "Mammy" until he returned from college, and perhaps afterwards too, and whom he wishes to take with him in her old age, when he is moving into one of these Territories for the betterment of the fortunes of his whole family, why, in the name of God, should any body prevent it?"

This passage in Mr. Badger's speech is calculated to excite a good deal of angry prejudice in the minds of many families in the South, (most of whom have such domestics as are here described,) and between whom and the family strong attachments exist. But I would answer it by saying, 1st, that such a case would be a very insufficient reason for disturbing an ancient settlement of a sectional quarrel; 2d. That I would much sooner see a master and his mammy separated than the North and the South alienated; 3d. That there could be no necessity for such separation, and it would be the master's choice if it was occasioned, as there were plenty of other places for the master to carry his mammy and his nurse; 4th. That nobody, not even the Missouri Compromise, imposes any such necessity, as you may now carry your mammy or your nurse into any State or Territory of the Union with perfect safety, if such attachment exists, and they desire to live together, as I carried the nurse of my children with them to New York, and remained for several weeks last summer; and, lastly, that the master, his mammy, and his nurse might all go to the *devil* if they could not find room enough elsewhere in this broad land to satisfy them, without kicking up a rumpus, and exciting all the angry passions of our nature, and arraying one-half the country in sectional strife against the other.

Now, to come back to the Compromise of 1850. Suppose the authority extended to Utah (which is north of 36° 30') to be admitted as a Slave State is inconsistent with the principles of the compromise of 1820, which excluded slavery from all territory lying north of that line which we then held; why should the South complain of this, and make it the pretext for repealing the Compromise itself? The advantage was all on our side; the admission of Utah on such terms was a Southern act; we obtained a privilege, which would have been denied by the Compromise of 1820; the line of 36° 30', which is the dividing line between New Mexico and Utah, is extended to the eastern border of California; but the *principle* has been departed from by authorizing slavery in New Mexico, which is south, and extending the same principle to Utah, which is north, of 36° 30'; and now this advan-

tage on the part of the South is declared to be a repeal of the Missouri Compromise, and is to result in a breaking up of all compacts and compromises between the North and the South!

It has been a cherished idea with many Southern men that California was to be divided at some future day by the line of $36^{\circ} 30'$, and the southern portion of it admitted as a Slave State. Perhaps you will get the North to consent to the division (which it must be recollected cannot be done without the consent of Congress) after this Compromise of 1820 is abrogated; but, to use a familiar Northern expression, "*you'd better believe you can't.*"

So likewise in regard to the admission of the four Slave States out of the territory of Texas. The South may say, aye, that is a compact between the United States and Texas. The North answers, you had no constitutional power to admit foreign States by a legislative act or joint resolution; but, if you had, where did Congress get the right to make a compact on a question upon which you say Congress has no right to legislate? The general power of legislation by Congress is admitted; the right of Congress to admit foreign States into the Union is denied. The treaty-making power alone can acquire foreign territory, and then Congress may admit; but can Congress accomplish that by compact which by the Constitution Congress is prohibited from *legislating upon*? The South had better be hunting up the lawyer that is to answer this pregnant question when it occurs: If Congress cannot *legislate*, can it *trade upon slavery*?

But has any necessity been shown for organizing Territorial Governments for Nebraska and Kansas at this time? Is there not a manifest absence of authority and want of propriety in doing so? And are there any there to govern or be governed if we had the authority?

I must call attention to the report made on the 9th day of November last, 1853, by Mr. George W. Manypenny, the Commissioner of Indian Affairs, who was sent by the Government expressly to explore the Nebraska Territory, and for the purpose of procuring the assent of the different tribes of Indians to the settlement of the Territory by citizens of the United States, and for the purpose of extinguishing the titles of the various Indian tribes, (amounting to some thirty in number,) to whom the faith and honor and humanity of the nation stands pledged to protect in their rights for lands elsewhere surrendered by them. In speaking of the feelings of the different tribes when he reached Nebraska, he says:

"Many of them were contemplating the necessity of defending themselves, and the proposition was abroad among some of the Indians for a grand council, at which they should (as one said to me) 'light up their fires after the old Indian fashion' and confederate for defence.

"From the time the original Indian title to the country was extinguished under the authority of the act of 28th May, 1830, and the tribes transplanted from the States and Territories east of the Mississippi and located in it, until after the adjournment of the last Congress, it had

always been considered a country set apart and dedicated to Indian use and purposes; and it was equally well understood before that time that no person other than an Indian could reside there except by permission of the Government and for a specific purpose.

"The enunciation, therefore, of the opinion that the country was open to occupation and settlement at the time it was promulgated was most unfortunate.

"Congress had just before, by act of the 3d of March, directed the President to enter into negotiations with the Indian tribes west of the States of Missouri and Iowa, for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by them, and for the purpose of extinguishing their title to these lands in whole or in part.

"I found it very difficult to quiet the Indians, and was unable fully to restore some of these people to the tranquil condition they were in before this discussion of the subject and exploration of their country commenced.

"In many councils the effect of this enunciation was evident, and in some instances I was unable, while in council, to obtain the calm consideration of the Indians to the subject-matter of my talk, owing to the excited state of their minds, resulting from apprehensions that their country was about to be taken from them without their consent and without any consideration being paid them for it; and some even supposed that the object of my visit was to favor such a design.

"As I progressed in my journey, and the councils which I held with various tribes increased in number, I was happy to perceive a better state of feeling; a willingness to listen, to be advised, and an assurance of confidence and dependence on their Great Father, and a determination to receive favorably the message I bore from him to them.

"While in the Indian country I held councils with the Omahas, Ottobes and Missourias, Saes and Foxes of Missouri, Kickapoos, Delawares, Wyandotts, Shawnees, Pottawatomies, Saes and Foxes of the Mississippi, Chippewas of Swan creek and Black river, Ottowas, Peorias and Kaskaskias, Weas and Piankashaws, and Miamis. I was desirous of seeing and talking with the Pawnees, Kansas, Osages, Quapaws, Senecas, and Shawnees and Senecas, but found it impossible to do so without spending more time in the country than was deemed consistent with my duties at Washington, in view of the near approach of the meeting of Congress.

"The aggregate population of the tribes with whom I held council, according to the best data, is 14,384 souls, and the aggregate quantity of land held by them is estimated at 13,220,480 acres, or about 920 acres to each soul.

"The aggregate population of the Pawnees, Kansas, Osages, Quapaws, Senecas, and Shawnees and Senecas, according to the same data, is 11,597 souls, and the aggregate quantity of land held by them is estimated at 18,399,200 acres, or about 1,586 acres to each soul.

"All the tribes that I visited and talked with, except the Omahas, Ottobes, and Missourias, are

Indians who were removed from Ohio and other Western States to the Indian country, and located there on specific grants of land, in pursuance of treaty stipulations, and with the express understanding that their present were to be their permanent homes so long as they existed as tribes or nations.

"In some treaties it was provided that patents should issue to them, but in no case was the power of alienation granted, or any provision made by which the lands could be divided and held in severalty.

"Every tribe with whom I held council, with the exception of the Weas and Piankashaws and the Peorias and Kaskaskias, who own only 256,000 acres, and the Shawnees, refused to dispose of any portion of their land, as their first response to my talk. The small tribes above named proposed at once to dispose of the most of their land, and intimated that if they could make satisfactory arrangements for a home they would sell the whole of it.

"As a general thing, the Indians who have been transplanted from their former abodes to the Indian country seemed to have a vivid recollection of the assurances made to them at the time of their removal that their present locations should be their permanent homes, and that the white race should never interfere with them or their possessions.

"This point was prominently put forth by their speakers in almost every council, and was earnestly, and sometimes eloquently, dwelt on in their speeches."

The Commissioner proceeds to say: "The statements which appear in the press that a constant current of immigration is flowing into the Indian territory are destitute of truth. *On the 11th of October, the day on which I left the frontier, there was no settlement made in any part of Nebraska. From all the information I could obtain there were but three white men in the Territory, except such as were there by authority of law, and those adopted by marriage or otherwise into Indian families.*"

Senator Armeson, the President of the United States Senate, in a speech made on the 14th of November last, at Fayette, Missouri, spoke as follows:

Synopsis of Senator Atchison's Speech, delivered at Fayette on Monday, November 14, 1853.

FROM THE GLASGOW (MO.) TIMES.

"Senator Atchison commenced by remarking that topics of vital importance had arisen within the last few years. Among them were Nebraska Territory and the Pacific railroad. These subjects, vast in themselves, and of stupendous importance in the relations they sustain to present conditions, were now absorbing a large portion of public attention, and therefore deserved his careful consideration. What, he would ask, is Nebraska, and where is it? The Territory of Nebraska, as important as it may now appear, has been known but a short time. Ten years ago the name was unknown, and was first applied by Douglas, a talented Democratic Senator from Illinois, and now a prominent candidate for the Presidency, in his bill for a road to Oregon and the organization of the territory for-

merly known as the Indian or Northwestern Territory. In this bill, which was before the House for three or four years, it was named Nebraska, and extends from thirty-six degrees south to forty-three degrees north latitude; some three hundred miles wide and six hundred miles long. Mr. Hall consulted with him previous to presenting his bill for the organization of this Territory. He opposed it then for the same reasons that govern him now; but, before discussing this, there was a previous question growing out of it, and first raised by Colonel Benton in his St. Joseph speech, as to the right of white men to settle in Nebraska, to which he wished to call attention. This question, which Colonel Benton, with his unenviable facility for riding hobbies, had magnified into undue importance, he (Atchison) thought of such small moment that in his Platte City speech he did not notice it, and would not have done so in his Western speech had not his attention been called to it by a Whig Editor of that place, and when he wrote out his speech he forgot it, and added his views in a note. The question he considered a mere legal one; but as he had been accused by Colonel Benton of gross ignorance in not knowing that three-fourths of Nebraska was open to settlement, which Benton asserts to be the case, and as all his views and actions are public, he had no hesitancy and felt it his duty to give his sentiments to a candid public; and he here asserted, as he added in other places, that Benton was wrong; *not one foot of Nebraska was open for settlement to the whites; none could go there except for lawful trade.* * * * * *

"He here showed Benton's map of Nebraska, which he denounced as a fraud, gotten up for fraudulent purposes. Its very title was a lie, and the crime was a penitentiary one, and he could convict him before any jury of twelve honest men. Immediately upon the appearance of the map he (Atchison) wrote to the Secretary of the Interior, whose letter, together with Benton's, he here read. Mr. A. believed that the map, as far as related to the metes and bounds of the Indian reservations, was correct; but all this any school-boy might have known before. It gives the lie to Mr. Benton's assertion that three-fourths of Nebraska is open for settlement, as it shows that the whole region of the Kansas, together with every other section of any importance, is in possession of the Indians, the unoccupied portion being entirely worthless, except for an occasional stock farm, there not being more timber beyond the Council Bluffs than will support a farm every twenty or thirty miles; yet Benton tells you this is a paradise, and calls upon all men to hasten to its delightful groves; and this too in contradiction to his own map and the well known stipulations of existing treaties, which give to the Pawnees the right to hunt upon the entire country, until the President of the United States should notify them to the contrary. Some tribes, located here in 1828 and 1833 by President Jackson, were induced to leave the graves of their fathers and settle here by the assurance that this was to be the future home of the red man; and here no

white man should ever come to contaminate them by their baleful influence, or render desolate by their avarice the homes of their children. They were promised that no Territorial Government should be organized over them without their consent. These arguments, which are substantially those in Mr. Manypenny's letter, he gave to Mr. Manypenny before he saw his letter, thus disproving Mr. Benton's charge of ignorance. *Mr. Atchison asserts that Manypenny's letter was shown to the Cabinet, and contains the views of the Administration, and was deemed of such importance, lest the false views of Benton should have a deleterious influence, that it was published in the organ of the Administration on the evening of the same day upon which it was written.* * * * * *

Thus it appears that the whole territory of Nebraska is held by the Indians for considerations surrendered, and which is not open to the settlement of the white man; but the Indian tribes are likely to be as much excited as the North; and that on the 11th day of October last THERE WERE BUT THREE WHITE MEN SETTLED IN THE ENTIRE TERRITORY, except such as were there by authority of law, (temporarily employed around Fort Leavenworth.) And as the Indians are exempt from the provisions of the Territorial Government, there are but *three men* to constitute the population of two Territorial Governments, one man and a half to each; and this is the territory for the government of which this happy, prosperous, and enlightened nation is again to be shaken to its foundation, and perhaps overturned! And, according to the squatter sovereignty provided for in the bill, the South is to be entrapped by giving to those three original settlers, I suppose, the power to admit or exclude slavery from the Territory—under the Cass doctrine contained in the celebrated Nicholson letter of 1848, which was repudiated by the entire Democracy of the South, who denied that Gen. Cass's letter was susceptible of any such construction; for which good service he afterwards paid them the compliment to say in the Senate that none but a fool could have doubted that he did mean what they said he did not mean.

But I am in favor of adhering to the Compromise line of 1820, which says up to the line of 36 deg. 30 min. slavery may go, and no further, not only because we bargained for it, and have received our share of the equivalent, but because, as an original proposition, I believe it was the best that could be done, and *far better* than we could do now, if it was an open question. As long as the Union exists, there must be both Free and Slave States, and there must be a line of division, either crooked or straight; and I submit to the intelligence and good sense of the country whether, if it could be treated now with propriety as an original question, it would not be far better to have a line which operates as a wall between the two, leaving all the Free States on one side and all the Slave States on the other, than to have a crooked line by which a few Slave States would be intermixed with the Free, and a few Free States intermixed with the Slave States? Is there a man in the South who would

agree that North Carolina, bordering on the three Slave States of South Carolina, Tennessee, and Virginia, should become a Free State for the *privilege* of introducing slavery into New Jersey, Connecticut, and Massachusetts, or indeed all New England? If not, why should we invite the formation of Free States among the Slave States south of 36 deg. 30 min. for the mere privilege of taking slaves to Nebraska, where all admit they will never go? Let us recollect that there will and must be a dividing line somewhere; we have had one established with which the country has been satisfied and familiarized to for thirty-four years. Even if it had been wrong at the beginning, and could now be remedied without excitement, is there any necessity *for*, or propriety *in*, breaking it up now, to establish a new and a crooked line, by having, if you could, two Slave States north of 36 deg. 30 min., and as many Free States south of that line?

For my own part, I never want to see a preponderance of Slave States in this Union, nor do I want to see a preponderance of Free States. There is only one other compromise I desire in respect to slavery and freedom as connected with our institutions, and that is, to make them equal in number at the earliest practicable moment, and then forever after keep them so, until the State or States in which slavery shall exist shall choose to discontinue it. But, as far as the action of Congress is concerned, I would have the power of each equal in the Senate, in so far that, once being equal, whenever a Free State was admitted there should be a Slave State admitted also; and that equilibrium preserved as nearly as possible for all time to come. But if there is to be a difference, I should prefer that it should be in favor of the South, to counterbalance the already immense and constantly increasing majority of the North in the House.

No man can look abroad upon the political horizon but must see the gathering of a dark and portentous cloud in the North. A storm is approaching the violence and fury of which threatens to sweep over the face of the country, destructive in its course, annihilating in its consequences. All confidence, all fraternity, all harmony is to be obliterated; party lines will be extinguished, there will no longer be men of the North and the South, the East and the West, meeting in National Councils, under the style of a National Democracy or a National Whiggery; but it will be a meeting of the Free States against the Slave, and the Slave States against the Free; the North against the South, and the South against the North. It needs no ghost from the grave, nor does it need much of a philosopher or statesman, to calculate the duration of the Union, when that happens, as happen it will, or happen it may, as there is too much reason to fear. Its days will have been numbered, and the prophetic language of Mr. Jefferson, as expressed in a letter written in April, 1820, after the settlement of the Missouri Compromise, to Mr. Holmes, who was a warm supporter of the line of division agreed on of 36 deg. 30 min., will ring in our ears, as it should now ring in the ears of every Southern patriot. He wrote:



"I regret that I am now to die in the belief that the useless sacrifice of themselves by the generation of 1776 to acquire self-government and happiness to their country is to be thrown away by the *unwise and unworthy passions* of their sons; and that my only consolation is to be that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away *against an abstract principle* more likely to be effected by union than by secession, they would pause before they would perpetrate this act of suicide upon themselves, and of treason against the hopes of the world. *To yourself, as the faithful advocate of the Union*, I tender the offering of my high esteem and respect."

These are solemn words, Messrs. Editors, and from a source which the South has ever professed to venerate. Let them sink deep into the hearts of every Southern Senator. Oh, that the Southern press would only act patriotically and fairly, and not withhold from the people of the South the daily scenes of excitement that are transpiring through the country at the alleged treachery and bad faith of Southern representatives! And for an honest endeavor on my part to arrest this unmixt evil for an idle abstraction I am denounced as a traitor to the South. If a sacrifice of my personal prosperity, neglect of my private interests, and an ardent devotion to my country's welfare, that has at times embittered my happiness, disturbed my rest, and impoverished my means, constitutes a traitor, then I plead that I am one, and glory in the martyrdom that awaits me. And I am told that you, Mr. Gales, the Cato of America, and the Aristides of the Whig party, have been excommunicated from the Whig church; this may pass for current coin in Washington but it will be laughed at in the country. Well be it so. The "just" man of Athens was banished from his home, but he did not serve out the term of his banishment before he was recalled by the people. I do not know who acted the part of Themistocles in this act of banishment towards you, but I suppose I will be the next victim on the list for his displeasure; for in this matter your cause is my cause, and my cause is yours; and then we will make the farce a broad one. We will read some of those out of the church who are following in the lead of Mr. Pierce and Mr. Douglas; and this will bring us to an examination of dates for our patents and land warrants; and it is not improbable that it may be found that we have some pre-emption right on the ground in this Whig camp, of which no squatter sovereignty of yesterday can deprive us; and in the mean time console yourself with the reflection that—

"Truth, crushed to earth, will rise again,
The eternal years of God are hers;
But error, wounded, writhes in pain,
And dies amid her worshippers."

And, in the fullness of an upright and conscientious heart, you may exclaim—

"Mæcellus exiled, more true joy feels

Than Cæsar with a servile Senate at his heels."

I am, respectfully, yours,

JOHN M. BOTTS.

HENRICO, VA. February 26, 1854.

NOTE.—Since t

ground has been assumed, and two distinguished Senators (Messrs. CLAYTON and BELL) have argued that the Missouri Compromise line was unconstitutional, because it conflicted with the treaty of 1803, by which we acquired title to the Louisiana territory, in as much as slavery was recognized in the Territory at that time, and we had stipulated to protect the subjects of France, and their property, as transferred by that treaty. This strikes me as being a most extraordinary and untenable position. True, we guaranteed the protection to both subjects and property, and it has been faithfully fulfilled; but did we stipulate to continue the laws of the French government or of the Territory of Louisiana as perpetual, and irrevocable, in that part of the territory in which there was neither population nor property, and on which at that day, as far as we know, the foot print of a wild Indian had never been seen? If this be so, we cannot too soon make an application to Louis Napoleon to grant us leave to regulate affairs in our own territory in our own way.

Mr. Adams' speech in 1836, on the admission of Arkansas, has been referred to as sustaining this opinion, and Mr. Clayton congratulated himself on having such high authority for his position; if Mr. Clayton had read a little further from Mr. Adams' speech he would have found that he put the right of Arkansas to admission as a slave State, expressly, and *in words*, on the ground that slavery existed in that part of the territory at the time of the acquisition.

But if the "high authority" of Mr. Adams is to settle the constitutionality of the Missouri Compromise, I beg to refer Mr. Clayton to a speech made in the House of Representatives about the year 1842, in which he stated, that when the bill authorizing Missouri to form a Constitution preparatory to her admission as a State was presented to Mr. Monroe for his signature, he submitted the question as to the constitutional power of Congress to prohibit slavery in the territory lying north of 36 deg. 30 min. to each member of his Cabinet, composed of Mr. Adams, Mr. Crawford, Mr. Calhoun, Mr. Wirt, Judge McLean, and the then Secretary of the Navy, and requested a written opinion from each, and that every member of the Cabinet gave his *written* opinion that the power was constitutionally exercised; and that those opinions were all on file in the State Department when he left it.

But it is a bad rule that don't work both ways. Now, I ask Mr. Clayton and Mr. Bell, if similar stipulations are not also to be found in our treaty with Mexico; and if it be claimed by the South that because slavery existed in a part of Louisiana, at the time of its acquisition, we can never exclude it from any part of the territory, whether it does not follow, and must not be conceded, that as slavery was prohibited by Mexican laws in the territory acquired from Mexico, and *freedom guaranteed*, that we can never authorize slavery in any part of that territory likewise?

It is quite well to look to both sides of a question, and ascertain the consequences before we jump to conclusions.

J. M. B.